

REMARKS

Claims 7 to 20 are pending in the application. Claims 7 and 11 to 19 were rejected under 35 U.S.C. §103(a) as being anticipated by US 2004/0021342 issued to Fujimoto in view of German Reference DE 44 27 986 [sic DE 44 37 986] to Mirtsch ("DE '986"). Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimoto in view of DE '986 as applied to claim 7 and in view of European Patent EP 1 093 980 to Roeth et al. ("EP '980"). Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimoto in view of DE '986 as applied to claim 7 above, and in view of German Reference DE 296 01 143 to Meckenstock ("DE '143").

The specification has been amended to correct a typographical error in paragraph [0003]. No new matter has been added. Claim 10 has been amended for proper antecedent basis. Claim 20 has been withdrawn because it is deemed directed to an invention that is independent or distinct from the invention originally claimed.

Reconsideration of the application based on the following is respectfully requested.

35 U.S.C. §103 (a) Rejections

Claims 7 and 11 to 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimoto in view of DE '986.

Fujimoto discloses a panel structure for a car body hood.

DE '986 discloses a vaulted structure, for example for a panel.

Claim 7 recites "An engine hood for a motor vehicle having a deformable head impact zone to protect pedestrians in the event of a collision with the motor vehicle, the engine hood comprising:

an outer shell formed by a paneling of a body of the vehicle;

at least one inner shell disposed below the outer shell and connected to the outer shell, the inner shell having a stiffening region, wherein the stiffening region includes a vaulted structure including local folding of a material of the inner shell so as to insignificantly increase the surface area of the material." Claim 19 has similar limitations.

It is respectfully submitted that the Office Action is in clear error: The Office Action states that DE '986 "discloses the inner shell having a stiffening region, wherein..." at the top of page 2. Applicants' representative, fluent in German, has reviewed DE '986 in detail and cannot

find any disclosure that DE '986 discloses any inner shell as asserted. DE '986 does disclose various uses for its material, and perhaps the Examiner has an accurate translation supporting the assertion that DE '986 discloses such an inner shell. However, it appears that the Office Action is based on a misunderstanding of DE '986. A new rejection is requested with a proper description of DE '986 is respectfully requested.

In any event, it is respectfully submitted that the purported motivation to combine is not found or disclosed in any reference and appears to be based on applicant's own disclosure. Fujimoto does not appear to want or desire the teaching of DE '986.

With further respect to claims 13, 14, 15 and 18, the claimed sizes are not disclosed in DE '986 and are inventive in their own right with respect to engine hoods. The Office Action simply does not address the sizes, which as discussed in the specification have particular applicability for the claimed engine hood. Fujimoto actually teaches away from these sizes, and just because certain sizes might be capable of being made by DE '986 process does not mean that DE '986 discloses or teaches these limitations with respect to the claimed engine hood.

In view of the above, withdrawal of the rejections under 35 U.S.C. §103(a) therefore is respectfully requested.

Claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimoto in view of DE '986 as applied to claim 7 and in view EP'980.

With further respect to claim 8, EP '980 in the asserted Figure 3 shows inner shell 7 of various thickness through welding of Taylor Welded Blanks (see [0022]) or local gluing. No cutouts are disclosed. No cutout is shown in Fig. 3, but rather side by side welded blanks.

Claim 9 further recites "the insert part includes a semi-finished product having a smooth edge region and a vault-structured portion." Why the asserted combination would have this feature in the insert is not understood.

Withdrawal of the rejections under 35 U.S.C. §103(a) therefore is respectfully requested.

Claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fujimoto in view of DE '986 as applied to claim 7 above, and in view of DE '143. Claim 10 has been

amended for proper antecedent basis and withdrawal of the rejections under 35 U.S.C. §103(a) therefore is respectfully requested.

Withdrawal of claim 20

Reinstatement of claim 20, dependent from claim 7, is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris; Reg. No. 38,156

DAVIDSON, DAVIDSON & KAPPEL, LLC
Patents, Trademarks and Copyrights
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940